IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.241 OF 2004

The State of Maharashtra ....Appellant.

V/s

Shri Ratilal Amichand Gandhi ....Respondent.

Mr. Y.S. Shinde, APP for the appellant.

None for the respondent.

CORAM: V.M. KANADE, J.
DATE : 10th August, 2007

P.C.:

1. Heard the learned APP for the State.

2. Appellant - State is challenging the order passed by the Trial Court whereby the accused was acquitted of the offence punishable under section 7(i) read with section 2(ia)(a), 2(ia)(e) of the Prevention of Food Adulteration Act, 1954.

3. It is the case of prosecution that the Food Inspector had gone to the shop of the respondent and had seized Pepsi Bottles which were found to be adulterated. The complaint was, therefore, lodged and the sample was sent to the Public Analyst. The defence taken by the accused was that the

mandatory provisions of section 13(2) of the said Act were not complied with and the report of the Public Analyst was not supplied to the accused.

4. I have perused the impugned order. It is an admitted position that the report of the Public Analyst was not supplied to the accused. Similarly the report of Local Health Authority also was not supplied. Thus, there is a clear violation of mandatory provisions of section 13(2) and 9(b) of the Act. The Trial Court, therefore, has rightly acquitted the accused for non-compliance of the mandatory provisions. Leave is therefore refused. Appeal is dismissed.

(V.M. KANADE, J.)